

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SAINT LAWRENCE COMMUNICATIONS §
LLC, §
 §

Plaintiff, §
 §

v. §
 §

APPLE INC., §
 §

Defendant. §

CIVIL ACTION NO. 2:16-CV-00082-JRG

ORDER

Before the Court are a set of Joint Motions in *Limine* (Dkt. No. 301). Having reviewed the Motions in *Limine* (“MILs”), and noting that they have been filed jointly, it is **ORDERED** that the following MILs are **GRANTED BY AGREEMENT** and shall apply equally to both Parties:

Agreed MIL No. 1: To exclude derogatory, disparaging, and/or pejorative references to Saint Lawrence Communications LLC (“LLC”), Apple, Inc. (“Apple”), and their business activities.

Agreed MIL No. 2: To exclude any references, evidence, testimony (including expert testimony), arguments regarding, or inquiries attempting to elicit testimony: (i) referring negatively or disparagingly to SLC’s (or its parent entities or affiliates) corporate structure, including the number of Acacia subsidiaries or the use of pejorative terms such as “corporate shells” or “litigation shells” or making implications of any nefarious purpose behind SLC’s (or its parent entities or affiliates) corporate structure, SLC’s lack of direct employees, or mention the number of SLC’s affiliates or subsidiaries of SLC’s parent entities; or (ii) regarding or otherwise suggesting that SLC (or its parent entities, affiliates or subsidiaries) is undercapitalized.

Agreed MIL No. 3: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding any inter partes review, nullity, ex parte reexamination or other post-issuance Patent Office proceeding—whether instituted or not instituted and whether concluded or ongoing.

Agreed MIL No. 4: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony that Apple's own patents or patent applications are a defense to infringement of the asserted patents in this case.

Agreed MIL No. 5: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony criticizing the Patent Office or its employees, or denigrating the patent system.

Agreed MIL No. 6: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding the fact that any testifying expert in this case had testimony or opinions excluded or found to be unreliable in any other lawsuits.

Agreed MIL No. 7: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding the structure and amount of costs and fees incurred by a party with respect to its trial team (including outside counsel, employees of counsel, trial consultants, jury consultants, and litigation support services personnel retained by the party).

Agreed MIL No. 8: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding claims, causes of action, counterclaims, and defenses brought by SLC or Apple in this lawsuit that have been dismissed, abandoned, or withdrawn before trial—including the fact that any such claim, cause of action, claim, counterclaim, or defense was asserted previously but has been dismissed, abandoned, or

withdrawn.

Agreed MIL No. 9: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding discovery orders, discovery disputes, objections to written discovery requests (e.g., interrogatories, document requests, requests for admission), or the sufficiency of any party's discovery responses, in this or any related case.

Agreed MIL No. 10: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding foreign status or ownership of any party, witness, related third party, or supplier of these entities.

Agreed MIL No. 11: To exclude references to privileged subject matter and/or claims of privilege, including testimony, arguments, and inquiries attempting to elicit testimony from any witness regarding subjects over which privilege was asserted previously.

Agreed MIL No. 12: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding a party's trial team (including outside counsel, employees of counsel, trial consultants, jury consultants, and litigation support services personnel retained by the party).

Agreed MIL No. 13: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding mock juries, jury consultants, focus groups, or other work product communications that the parties may have conducted to evaluate this or other cases involving the Asserted Patents.

Agreed MIL No. 14: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding any alleged "litigation abuse" by a party in other litigation—whether U.S. or foreign.

Agreed MIL No. 15: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding any Apple or SLC employee's or other fact witness's income, employment benefits, immigration status, nationality, ethnic origin, sexual orientation, religion, political affiliation, travel methods, wealth, taxes, and personal property (e.g., home value, cars).

Agreed MIL No. 16: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding political positions taken by Apple or its leadership.

Agreed MIL No. 17: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding (i) statements by and/or videos from Steve Jobs; (ii) media reports unrelated to this litigation and media speculation about Apple; (iii) whether Apple "steals" ideas, intellectual property, or other things; and (iv) whether Apple respects the intellectual property rights of any non-party.

Agreed MIL No. 18: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding Apple's lack of developing patents relating to AMR-WB, including drawing any negative inference regarding the same.

Agreed MIL No. 19: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony regarding redactions on any document produced (by a party or third party) in this litigation, including drawing any negative inference regarding the same or incorrect implication of who made the redactions.

Agreed MIL No. 20: To exclude references, evidence, testimony, arguments, and inquiries attempting to elicit testimony that a patent license suggests that the patent is valid and/or infringed.

So ORDERED and SIGNED this 4th day of January, 2018.



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE